Mews. See *Alley*, also *Widths*.

MIDDLESEX, the county of to contribute by way of rate annually the sum of 1,000*l.* towards the expenses of the official referees and registrar. s. 96.

MODIFICATION of work to suit adjoining owner. If the adjoining owner, at any time *within 2 calendar months* after the receipt of notice from the building-owner, give notice of his desire that any modification be made in the work, so as to render it suitable to his premises, according to the form (No. 18) in the Schedule of Notices, or to the like effect, then within 7 days after the receipt of such notice it shall be the duty of the building owner to signify his consent to or dissent from such modification or delay;—*and if the building-owner dissent from*, or do *not within such 7 days signify his consent to such modification*, then the adjoining-owner *may require* the building-owner not to commence the work until the official referees have determined thereon;—and if within 7 days thereafter application be made in writing to the official referees, according to the form (No. 19) in the Schedule of Notices, or to the like effect, and notice thereof be given to the building-owner, according to the other form (No. 20), then within 10 days after such application it shall be the duty of the official referees to signify their decision thereon, and it shall be the duty of the building-owner not to commence the work till the decision of such official referees shall have been given;—and if within the period of 3 calendar months from the date of the first notice such adjoining-owner do not make any objection or any requisition in conformity with this enactment, then, subject to the provisions of this Act with regard to such works, the building-owner may proceed to execute the same. s. 22.

MONTH—the word to mean a calendar month. s. 2.

MORTGAGEE in possession. s. 50. See *Expenses of works*.

N.

NEW and old buildings. See *Buildings new and old*, relative to general regulations.

NEIGHBOURING or adjoining property not to be injured by raising of party fence-walls. s. 32.

NOTICE, though neglected to be given, the *district-surveyor* shall act as usual. s. 68.

Notice, 36 hours', district-surveyor to give to the occupiers of buildings, or to the owners in case of vacancy, to secure chimney-shafts, chimney-pots, or other things thereon, or the eaves or parapet, or coping, or slates or tiles on the roof, or any projection from the front walls of any building. See *Chimneys, ruinous*.

Notice, in writing, any party may give to another of his intention to refer to the district-surveyor any disagreement relative to the costs and expenses of works performed according to the provisions of this Act, differing from the works stipulated for in any existing contract,—subject to final appeal to the official referees. s. 9.

Notices to official referees, the registrar to receive, file, and number. s. 92.

Notice, 14 days', from Lord Mayor and Court of Aldermen, or from overseers to be given to owner, to repair or pull down ruinous buildings. See *Ruinous buildings*.

Notice, 14 days', to be given by lessees and tenants to lessors and other owners before requiring the official referees to award compensation for loss in complying with the Act, or in modifying any existing building lease or agreement. s. 10.

Notice, 1 calendar month's may be given by the owner of any premises parted by a fence-wall, to the adjoining-owner, of his intention to repair, pull down, and rebuild the same; and if the wall be below the height of 9 feet from the ground on either side, then he may either raise it to that height or pull it down and rebuild it to that height, upon condition that he pay all the expenses thereof. s. 32.

Notice to, or consent of, adjoining owner. Unless the adjoining owner consent, it shall not be lawful for the building-owner to execute works until he have given notice thereof to such adjoining owner;—and every such notice with regard to the pulling down, rebuilding, or repairing of party-walls or party fence-walls must be given 3 calendar months at least before the work is to be commenced;—and every such notice with regard to the pulling down and rebuilding internal fixed walls and timber partitions must be given 3 calendar months at the least before such work is to be commenced;—and every such notice must be in the form or to the effect of the notice (No. 8) for that purpose contained in the Schedule of Notices. s. 21.

NOTICES (all) and proceedings thereon to be entered by district-surveyor in his office register-book. s. 69.

NOTIFICATIONS:—

Married females—Infants, Idiots, or lunatics—Owners unknown—Buildings unoccupied—Immediate landlord—Part ownership—Service of notices—Damage arising from defective service—Requisites of notice. Notices by this Act required to be served upon the owner or occupier of any building, fence, land, ground, or tenement, must be given as follows:—If such owner be a married female, other than a cestuique trust in regard to such property, then to the husband of such married female. If such owner be an infant, idiot, or lunatic, or cestuique trust, then to the guardian, trustee, or committee of such infant, idiot, or lunatic, or cestuique trust. If such owner, husband, trustee, guardian, or committee is not known, or cannot be found, then to the occupier of such building, fence, land, ground, or tenement to which it shall relate. If such building, fence, land, ground, or tenement be unoccupied, then such notice must be affixed to some conspicuous part of such building, fence, land, ground, or tenement, at a height of not more than 9 feet from the ground. And if the person in the occupation of any building, fence, land, ground, or tenement, in respect of which notice is to be given, allege that he is a tenant from year to year, or for any less term, or a tenant at will, and not the owner thereof, within the intent and meaning of this Act, then such notice must be given to the immediate landlord of such occupier; and such occupier is to inform any person by whom such notice shall be required to be given, or any other person applying on his behalf, of the name, place of residence, or place of business of such owner or landlord, or of his agent or other person by whom the rent of such building, fence, land, ground, or tenement shall be received;—and if such owner or landlord be not in the receipt of the whole of the rents or profits of such building, fence, land, ground, or tenement, and if any notice shall be served upon such owner or landlord, then, immediately upon the receipt thereof, it shall be his duty, and he is hereby required, to transmit to his immediate landlord or his agent, and also to any other person being part owner in such building, fence, land, ground, or tenement, or in receipt of the rents or profits thereof under the same immediate landlord, or to the agent of such person, a copy of such notice;—and so on in turn it shall be the duty of every landlord, agent, or other person by whom such notice shall be received to transmit it to any such landlord, agent, or other person, being part owner of any such building, fence, land, ground, or tenement, to the intent that every person affected by the work or proceeding to which such notice relates may have due notice thereof: But if it be served upon the immediate landlord of the occupier, or upon his agent, by or on behalf of the person by whom it is hereby required to be served in the first instance, then, although it may not be served by such immediate landlord upon any other landlord or owner, such service is to be deemed to be sufficient service;—nevertheless, if any owner suffer damage by the failure of any other person, being either the occupier or any person holding under such owner, to serve such notice, then such owner shall be entitled to recover the amount thereof against such person by whom such damage shall have been occasioned; and every notice served under this clause on any person must contain a copy of the provisions thereof, so far as they require him to transmit the same to his immediate landlord, or the agent of such landlord. s. 112.

Mode of service upon occupier. If such notice be intended for the occupier of any building or ground, it must be given either personally or by leaving the same with some inmate at the premises, or it must be affixed as aforesaid. s. 113.

Mode of service upon owners by delivery—Effect of notice. Every such notice (except such notice as may according to the provision in that behalf be sent by post) must be given either personally or by leaving the same with some inmate at the usual place of abode of such party, or if that be not known, then at his last known place of abode;—and every such notice, when so given to such persons respectively as aforesaid, or left at the last known place of their respective abodes, or when so affixed as aforesaid, according to the cases hereinbefore mentioned, shall have the same effects and consequences as if given to the actual owner. s. 114.

Mode of service upon owners by transmission. If any owner upon whom notice is required to be served be not within the limits of this Act, or have not within the limits of this Act any agent acting in his behalf in the matter of the premises to which the notice refers, then it shall be lawful to give notice by post letter, duly registered according to the practice for the time being adopted with regard to letters transmitted by post, but so that nevertheless such letter be posted in such time as will afford to the person addressed, after the receipt of such letter, the full period of notice required in the case. s. 115.

Notices for surveyors and official referees. If the notice relate to the surveyor, then such notice must be served at the office of the surveyor; and if to the official referees or any of them, such notice must be left at the office of the Registrar of Metropolitan Buildings. s. 116.

NUISANCES, all buildings not according to Act declared to be, viz. buildings, drains, timber buildings, chimneys and flues, party-walls, party fence-walls, external walls and projections, and every other part of every building of every class, or rate of any class, which shall be hereafter built, rebuilt, enlarged, or altered within the limits of the Act, contrary to the provisions hereof: if the same be not built, rebuilt, enlarged, or altered in the manner and of the materials, and in every other respect according to and in conformity with the several rules and directions which are in this Act particularly specified; and if any person build or begin to build, or cause the building or beginning to build, or alter or cause to be altered, or use or cause to be used, any part of any ground or building, projection, drain, or other thing contrary thereunto, *and if in either of such cases it so appear by the certificate of the official referees*, then the said building, projection, drain, or other thing, or such part thereof so irregularly built or begun to be built, or so irregularly altered or begun to be altered, or so used, *shall be deemed a nuisance*; and thereupon it shall be the duty of the district-surveyor *to summon the builder before any two justices of the peace*;—and if at the time and place appointed on such summons such builder fail to appear, then the said justices, are authorized, *to issue a warrant* under their hands and seals *to compel such builder to appear before such justices, or any other two justices*; and thereupon such builder shall enter into a *recognizance*, in such sum as the said justices shall appoint, for abating and taking down the same within such convenient time as the said justices shall respectively appoint, or otherwise for amending the same and *also for paying the costs, charges, and expenses incurred by the surveyor* in laying the information and obtaining the conviction, *including such compensation for the surveyor's loss of time as the said justices shall think fit*,—and if the party so required fail to enter into such recognizance, then such justices or any justice shall *commit such builder to the common gaol* of the city, county, or liberty where the offence shall be committed, there to remain without bail or mainprize until he shall have entered into such recognizance as aforesaid, or until such irregular building shall have been abated or demolished or otherwise amended, or such nuisance shall be abated or demolished by order of such justices respectively, and until the costs, charges, and expenses thereof, and of all operations and proceedings in relation thereto, shall have been paid;—and further, if application be made to any two or more justices, then thereupon it shall be their duty, and they are hereby empowered, to order the surveyor or any other person to abate or demolish such nuisance, and to order the persons authorized by them so to abate or demolish the same, *to sell and dispose of the materials thereof*, and out of the moneys arising by such sale to pay to themselves, and all persons by them employed for such purpose, the reasonable charges for abating or demolishing such nuisance, and also such costs and expenses as aforesaid, and to pay the surplus moneys arising by such sale (if any) to such owner of the building as the official referees shall determine to be entitled thereto;—*and if the moneys arising by such sale be not sufficient to pay such charges*, then it shall be the duty of the person entitled to the immediate possession of such building, or the occupier, to make good the deficiency, subject to reimbursement as hereinafter provided; and if he fail, then he shall be liable to the same remedies for the recovery thereof as are by this Act provided concerning the expense of taking down ruinous buildings, and putting up hoards for the safety of passengers. s. 18.

Nuisances. See *Use of buildings*.

O.

OCCUPATION of buildings by different families, brings their separating walls within the denomination of, and under the regulations of, party-walls. s. 2.

Occupation, separate, of buildings. See *Party-walls for dividing buildings*.

Occupation of ground or tenement otherwise than as a tenant from year to year, or for any less term, or as a tenant at will, constitutes the tenant an owner for the purposes of the Act. s. 2.

Occupation of different grounds and buildings, how affecting insulated buildings. See *Insulated buildings*.

OCCUPIERS and persons using first-rate buildings of the second class and buildings of the third class before duly certified by one official referee, to be subject to fine. See *Penalties for use*.

Occupiers of buildings (or if vacant, owners) to secure chimney-shaft, chimney-pot, or other thing thereon, or the eaves, or parapet or coping, or slates or tiles on the roof, or any projection from the front walls of any building, if in danger of falling, under penalty and liability to make good all damage. See *Chimneys, ruinous*.

OFFENCES, prosecution of. Complaint—Summons—Compulsory appearance—Distress—Imprisonment. It shall be lawful to proceed by complaint before any one justice of the peace or before a police magistrate with regard to all offences against the provisions of this Act for which no other proceeding is provided;—and it shall be lawful for such justice to summon the party against whom such complaint shall be made; who failing to appear in pursuance thereof, it shall be lawful for such justice or magistrate, or any other justice or magistrate, to issue a warrant under his hand and seal to compel the appearance of such party;—and on conviction of the offender before two justices or before any police magistrate, such justice or magistrate shall cause the amount of the penalty imposed in respect of such offence, and of the costs of any such proceeding in respect thereof, to be levied by distress of the goods and chattels of the offender; and if such offender have no goods and chattels whereon to distrain, or if they be insufficient for that purpose, such justices or magistrate, or any other justice or magistrate, shall, either on failure of such distress, or in the first instance, commit the offender, for any period not exceeding 3 calendar months, or till he shall have paid the full amount of such penalty and such costs. s. 103.

OFFENSIVE objects and neighbourhoods. Party fence-walls may, with consent of official referees, be raised to screen from view. s. 32.

OFFICE, district surveyor's, to be at surveyor's expense, in such public situation as shall be approved by the lord mayor and aldermen; and in each district with-

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